IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4395 of 2005

Between:

Smt. Boyella Adilakshmamma, w/o Rangareddy,
R/o 13-6-439/1/A, Plot No.7, Balajinagar, Gludimalkapur,

Hyderabad - 28.

..... PETITIONER

AND

1 The District Collector, Kurnool.
2 The District Registrar, Stamps & Registration, Kurnool.
3 The Sub Registrar, Stamps and Registration, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of mandamus declaring that the impugned Order No. E8/2262/2002 dated 17-8-2002 of the 1st respondent prohibiting registration of the properties insofar as it pertains to Survey Nos. 778/1 and 778/2 of Kallur Village, Kurnool District as illegal, arbitrary, without jurisdiction, violative of Articles 14 and 21 of the Constitution of India, violative of principles of natural justice and also contrary to the provisions of the Registration Act, 1908 and to set aside the impugned Order of the 1st respondent and consequently direct the respondents to effect registration of the house property belonging to me in case of sale without any hindrance or objection and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.SRIRAM MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner claims to be the owner of immovable property in Survey Nos.778/1 and 778/2 of Kallur village, Kurnool District, admeasuring 675 Sq.yards. Her contention is that when she approached the office of the Sub-Registrar, the third respondent, with a view to ascertain the registration fee and stamp duty for the purpose of effecting transfer of the said property, she was informed that the third respondent is not entertaining any documents in respect of the lands in the said survey numbers. She seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

On the face of it, the grievance of the petitioner is too premature. As of now, no cause of action can be said to have been accrued to her. It is only when a document is presented by the petitioner for registration and the same is not processed, that she can be said to have suffered any grievance. It is true that this Court passed orders in respect of the neighbouring properties to the effect that unless there is notification, issued under Section 22-A of the Registration Act, the registering authority cannot refuse to process the documents.

The writ petition is accordingly disposed of leaving it open to the petitioner to prosecute her remedies in accordance with law as and when the situation arises. There shall be no order as to costs.

28-04-2005

kdl

To

1 The District Collector, Kurnool.
2 The District Registrar, Stamps & Registration, Kurnool.
3 The Sub Registrar, Stamps and Registration, Kurnool.

4 Two C.Cs. to the Government Pleader for Revenue, High Court

of A.P., Hyderabad, (OUT).

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